

Father, sons sentenced to year for dumping hazardous waste

by Peter Lewis
Times staff reporter

A father and his two sons were sentenced to a year in prison and their Everett steel company was ordered to pay restitution of about \$500,000 for dumping hundreds of drums of hazardous paint waste in southwest Washington and Oregon.

Before imposing sentence yesterday, U.S. District Judge William Dwyer said he was mindful of the exemplary lives — with the exception of their environmental crime — led by **Manney Berman**, 71, and his sons, Leonard, 38, and Leon, 33.

Though theirs was a "white-collar" crime, the judge said they had committed a serious offense that had the potential for "very serious consequences." To deter others, it is the court's duty "to make plain that environmental crimes of this nature are serious," Dwyer said.

The sentencing was delayed for 45 minutes while the Bermans decided if they wanted to withdraw guilty pleas they had entered last January.

The deal appeared to hit the skids last week when defense attorneys filed court papers accusing the government of a "misguided prosecution" by seeking criminal sanctions instead of civil remedies against a small family's struggling business.

The U.S. attorney's office, the defense contended, was more interested in a "well-timed press conference" than seeking justice. Lawyers on both sides were struck by the degree of bitterness and acrimony.

At the start of yesterday's hearing, Dwyer gave the Bermans a chance to change their pleas.

The judge said he couldn't recall another case in which the parties had reached an agreement then one side urged a sentence different than what the agreement called for.

After a recess, the defendants decided to accept the punishment outlined in the plea agreement. None addressed the judge before he imposed sentence.

The government contended the Bermans, eager to dispose of hazardous waste on the cheap, turned a blind eye to unrealistically low rates they were quoted by unquali-

fied contractors. Three men who actually hauled and dumped the waste are being prosecuted separately.

The Bermans contended they were duped by the contractors, but the government said no amount of "crying ... will erase the fact that (the Bermans) were aware of their obligations and chose to ignore them."

Manney Berman was president, and his sons vice presidents, of **Panama Machinery and Equip-**

ment, Inc., which did business as the Everett Steel Companies. Investigators found more than 300 55-gallon drums full of metal-laden waste abandoned at a Klickitat County cow pasture and a trailer company in Mollala, Ore.

In addition to the one-year prison terms imposed on the three Bermans, their corporation was ordered to pay more than \$497,000 to the Environmental Protection Agency and more than \$3,600 to the state Department of Ecology.

Congressional District: _____

Lat-Long Source: _____

Lat-Long Accuracy: _____

(Y/N)

Federal Facility: _____

(Y/N)

Dup WAD 988507604 +
98014

6273122--1

42

Date: _____

Date: _____

machinery
books

4213



A

Add
Change
Delete

FINDS Input Form

Requested by: Pat FINDS
Date: 6/17/92
D&B: _____

EPA ID NUMBER: WAD988504213 AKA Machinery
Facility Name: Everett Steel Companies The ~~Everett~~ Panama ~~Steel~~
Street 1: 3126 Hill Ave
Street 2: _____
City: Everett State: WA Zip Code: 98201

County Code: _____ Congressional District: _____
Latitude: _____ Lat-Long Source: _____
Longitude: _____ Lat-Long Accuracy: _____

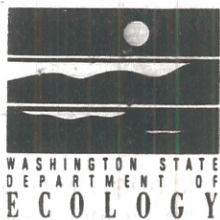
SIC codes: _____
Indian Land: _____ (Y/N) Federal Facility: _____ (Y/N)

Comments: Archiving Dup WAD988507604 +
WAD130598014

RCRIS(OSW) : _____ : _____ : _____
PCS(OWER) : _____ : _____ : _____
CDS(OAR) : _____ : _____ : _____
☒ FATES(OPTS) : I10#198906273122--1 : _____ : _____
CERCLIS(DOCKET) : _____ : _____ : _____
DOCKET(OECM) : 1091-0342 : _____ : _____

Loaded by: pat Date: _____
Verified by: _____ Date: _____

CC: RCRIS
CC: FTTS
CC: _____



WASHINGTON STATE
DEPARTMENT OF ECOLOGY

Attn: DW Notifications
M/S PV-11
Olympia, WA 98504-8711
(206) 459-6387

FORM 2

ADD

DEPARTMENTAL USE ONLY

W	A																		
RCV'D		MAR 03 1992																	
LOG		MAR 03 1992																	
REVIEW		MAR 06 1992 NWRD																	
G/WAC																			

NOTIFICATION OF DANGEROUS WASTE ACTIVITIES

1. ☒ A. FIRST NOTIFICATION

(No previous application has been made for this site)

☐ C. WITHDRAW SITE I.D. NO. DATE

(Complete Sections 1F, 2-8 & 13. Enter existing I.D. No. in Part 1F)

☐ E. CANCEL SITE I.D. NO. DATE

(Site closed—no longer own or conduct business at this site.
Complete Sections 1F, 2-8 & 13. Enter existing I.D. No. in 1F)

☐ B. REVISED NOTIFICATION DATE

(Enter existing site I.D. No. in Part 1F. List sections you revised:)

☐ D. REACTIVATE SITE I.D. NO.

(Complete all sections of the form.
Enter previously assigned I.D. No. in Part 1F.)

☐ F. EXISTING I.D. NO.

(Complete for items
1B, C, D & E only)

WAD988504213
WA

2.A. WASHINGTON STATE DEPARTMENT OF
REVENUE REGISTRATION (TAX) NUMBER

2.B. SIC CODE(S)

PRIMARY

SECONDARY

OTHER

(b) (6)

5051

5072

2.C. TYPE OF BUSINESS CONDUCTED AT THIS SITE STEEL SALES SERVICE CENTER

3. NAME OF INSTALLATION

EVERETT STEEL COMPANIES The

4. LOCATION OF INSTALLATION

Street

3126 HILL AVE

County Name

SNOHOMISH 1061

City or Town

EVERETT

State

ZIP Code

WA 98201-

5. INSTALLATION MAILING ADDRESS

Street or P.O. Box

PO BOX 776

City or Town

EVERETT

State

ZIP Code

WA 98206-0776

6.A. INSTALLATION CONTACT

Name (last)

BERMAN

(first)

LEON

Job Title

VICE PRESIDENT

Phone Number

(b) (6)

6.B. INSTALLATION CONTACT MAILING ADDRESS (see instructions)

BOX 1 ☒

BOX 2 ☒

Street or P.O. Box

City or Town

State

ZIP Code

7.A. NAME OF INSTALLATION'S LEGAL OWNER

PANAMA MACHINERY & EQUIPT INC

Street, P.O. Box, or Route Number

PO BOX 776

City or Town

EVERETT

State

ZIP Code

WA 98206-0776

7.B. PROPERTY OWNERSHIP (Provide address in section 12 if different than 7A.)

PANAMA MACHINERY & EQUIPT INC

7.C. OWNER TYPE

7.D. PROPERTY TYPE

P

P

R4/1/92 lw

8.A. NAME OF INSTALLATION THE EVERETT STEEL COMPANIES
(Same as item No. 3)

8.B. EPA I.D. NO. _____

9. TYPES OF REGULATED DANGEROUS WASTE ACTIVITIES YOUR BUSINESS IS CONDUCTING (Read & follow instructions for this section carefully—Enter an "X" in any sections of 9.A., 9.B., or 9.C. below that may apply).

9.A. HAZARDOUS WASTE ACTIVITIES (See instructions for definitions of these activities).

- ☒ 1. GENERATOR ☐ 1a. Conduct on-site recycling - 2
- ☒ 2. TRANSPORTER 2a. ☐ Transport Wastes Commercially (for hire).
2b. Modes of Transport: (1) ☐ Highway (2) ☐ Air (3) ☐ Rail (4) ☐ Water (5) ☐ Other
(Specify in comments)
- ☐ 3. MANAGEMENT FACILITY (TSD) 3a. ☐ Facility accepts wastes from OFF-SITE Generators.
3b. Process conducted or available at this facility;
(1) ☐ Treatment (2) ☐ Storage (3) ☐ Disposal
(4) ☐ Other (specify in comments).
3c. Current Part A ____/____/____
Part B Process ☐ Yes ☐ No
- ☐ 4. IMMEDIATE RECYCLER
- ☐ 5. PERMIT-BY-RULE FACILITY
- ☐ 6. MARKET OR BURN DANGEROUS WASTE FUELS— 6a. ☐ Generator Marketing to Burner 6b. ☐ Other Marketer
6c. ☐ Burner. (COMPLETE 9c.—TYPE OF COMBUSTION DEVICE)

9.B. USED-OIL FUEL ACTIVITIES.

- ☐ 1. OFF-SPECIFICATION USED-OIL FUELS-1a. ☐ Generator Marketing to Burner 1b. ☐ Other Marketer 1c. ☐ Burner (Complete 9c)
- ☐ 2. SPECIFICATION USED-OIL FUEL MARKETER (or ON-SITE BURNER) WHO FIRST CLAIMS THE OIL MEETS THE SPECIFICATION.

9.C. DANGEROUS WASTE OR OFF-SPECIFICATION USED-OIL FUEL BURNING: TYPE OF COMBUSTION DEVICE.

(see instructions for definitions of combustion devices) 1. ☐ Utility Boiler 2. ☐ Industrial Boiler 3. ☐ Industrial Furnace.

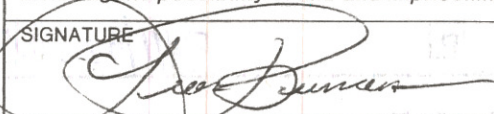
10. WASTE IDENTIFICATION (Copy this page if you have more than 5 waste streams—other information (sections 9 and 11-13) not needed on continuation sheets)

A. N U M B E R	B. DESCRIPTION OF WASTE(S)	C. DANGEROUS WASTE NUMBER	D. ESTIMATED OR ACTUAL ANNUAL WASTE QUANTITY	E. W E I G H T C O D E
1	PAINT RELATED WASTE MATERIALS	D001 D007	6000	P

11. Complete a, b, or c; AND d below.

- 11.A. ☐ (Batch Frequency _____) QUANTITY WEIGHT CODE
- 11.B. ☒ PER MONTH QUANTITY WEIGHT CODE
- 11.C. ☐ ONE-TIME-ONLY QUANTITY WEIGHT CODE
- 11.D. AMOUNT TO BE ACCUMULATED ON-SITE PRIOR TO SHIPMENT QUANTITY WEIGHT CODE

12. COMMENTS	Initial shipment will be 5,500 Lbs. because of waste characterization and generator I.D. number needed. In the future, shipments will occur when 1,000 lbs. (2 drums approx.) are accumulated.

13. CERTIFICATION		
I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.		
SIGNATURE 	NAME AND OFFICIAL TITLE (type or print) LEON BERMAN VICE PRESIDENT	DATE SIGNED 3-2-92